

**EXHIBIT A**



IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

DISTRICT COURT  
**FILED**

MAY 16 2014

STEPHANIE ANELLO,

Plaintiff,

vs.

PROMIUS PHARMA, LLC, a foreign  
limited liability company,

Defendant,

Case No.:

SALLY HOWE SMITH, COURT CLERK  
STATE OF OKLAHOMA, TULSA COUNTY

ATTORNEY LIEN CLAIMED

**CJ-2014-0192!**

**E. Mark Barcus**

PETITION

COMES NOW Plaintiff, Stephanie Anello, by and through her attorney of record David

A. Warta of *Smolen, Smolen & Roytman, P.L.L.C.*, and brings this action against Defendant,

Promius Pharma, LLC, for violation of her rights protected by federal law.

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is a resident of Tulsa County, Oklahoma.
2. Defendant Promius Pharma, LLC, ("Defendant" or "Promius"), is a foreign limited liability company that regularly conducts business in the state of Oklahoma.
3. This is an action for damages and to secure protection of and to redress deprivation of rights secured by Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000-2 hereinafter ("Title VII") providing for relief against discrimination in employment on the basis of gender.
4. Plaintiff filed a charge of discrimination against Defendant with the Equal Employment Opportunity Commission ("EEOC") on or about August 8, 2013, complaining to the EEOC of discrimination based on her sex. The charge was filed within three hundred (300) days of the discriminatory acts alleged. A Notice of Right to Sue was issued to Plaintiff on or about

February 18, 2014, and this Petition has been filed within ninety (90) days of the receipt of the Notice of the Right to Sue. As such, all conditions precedent to the filing of this lawsuit have been fulfilled.

5. The wrongful acts of Defendant which give rise to this dispute occurred in Tulsa County, Oklahoma.

6. This Court has jurisdiction and venue is proper in Tulsa County, Oklahoma.

7. Compensatory damages are sought pursuant to 42 U.S.C. § 2000e, *et seq.* and 42 U.S.C. § 1983.

8. Punitive damages are sought pursuant to 42 U.S.C. § 1983.

9. Costs and attorney's fees may be awarded pursuant to 42 U.S.C. § 2000e, *et seq.*

#### **STATEMENT OF FACTS**

10. The preceding paragraphs are incorporated herein by reference.

11. Plaintiff began working for Defendant in December 2012.

12. At the time of the discriminatory acts, Plaintiff – a thirty-eight (38) year-old female – was employed as a Dermatology Sales Representative.

13. Throughout her employment, Plaintiff was subjected to sexual harassment by her direct supervisor, Don Sudbery.

14. Plaintiff was harassed by Sudbery with sexual innuendo during conversations, via text messages, phone discussions and emails. Plaintiff received inappropriate text messages and phone calls from Sudbery throughout the workday and late into the evening. Sudbery also used his position of power over Anello in an attempt to get Anello to submit to his solicitations for inappropriate sexual contact.

15. As a result of the negative treatment described above, Plaintiff suffered both mentally and physically. Plaintiff had to seek medical treatment for frequent headaches and hair thinning/loss.

16. Sudbery had participated in similar activity with at least one other female employee at Promius prior to Plaintiff's employment. Despite Defendant's knowledge of Sudbery's previous illegal activities, Defendant took no action to deter Sudbery from further harmful conduct. By essentially condoning such conduct, Defendant allowed Sudbery to prey upon Ms. Anello, thus causing her severe physical and emotional damage.

**FIRST CLAIM FOR RELIEF**  
**Disparate Treatment on the Basis of Gender in Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e), et. seq.**

17. The preceding paragraphs are incorporated herein by reference.

18. Plaintiff experienced disparate treatment compared to her male coworkers that altered the terms and conditions of her employment.

19. Defendant's actions and inactions caused Plaintiff to suffer emotional distress and physical illness.

20. Defendant committed the acts alleged with malice or reckless indifference to the protected rights of Plaintiff. Plaintiff is thus entitled to recover punitive damages in an amount to be determined according to proof.

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- a. Compensatory damages for her mental anguish, pain and suffering and other non-pecuniary losses;
- b. Her attorney fees and the costs and expenses of this action;
- c. Such other relief as the Court deems just and equitable.

**SECOND CLAIM FOR RELIEF**  
**Failure to Ensure a Non-Hostile Work Environment Based on Gender**

21. The preceding paragraphs are incorporated herein by reference.

22. As her employer, Defendant owed Plaintiff a duty to ensure a non-hostile work environment.

23. Defendant knew or should have known that Sudbery would engage in further harassment, and that Ancello would be a target of that harassment.

24. Defendant failed to take any action to remedy the hostile work environment that permeated the work place.

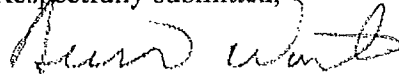
25. The sexual harassment was so severe and pervasive that it altered the conditions of Plaintiff's employment. By continually subjecting the Plaintiff to a hostile work environment based on her gender and failing to properly ensure a non-hostile work environment, Defendant has violated Title VII of the Civil Rights Act of 1964.

26. Defendant's failure caused Plaintiff to suffer severe mental anguish, emotional distress, and physical illness.

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- a. Compensatory damages for her mental anguish, pain and suffering and other non-pecuniary losses;
- b. Punitive damages;
- b. Such other relief as the Court deems just and equitable.

Respectfully submitted,



David A. Warta, OBA #20361  
SMOLEN SMOLEN & ROYTMAN, PLLC  
701 S. Cincinnati Ave.  
Tulsa, Oklahoma 74119

P: (918) 585-2667  
F: (918) 585-2669  
*Attorney for Plaintiff*

IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA



STEPHANIE ANNE ANELLO

Plaintiff,

vs.

PROMIUS PHARMACEUTICALS,  
LLC

Defendant,

CJ-2014-0192  
Case No.:

ATTORNEY LIEN CLAIMED

DISTRICT COURT  
FILE

SEP 17 2014

ORIGINAL SUMMONS

SERVE BY U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED SALLY HOWE SMITH, COURT CLERK  
STATE OF OKLAHOMA

Promius Pharma, LLC  
c/o The Corporation Company

To the above-named Defendant(s)

You have been sued by the above named plaintiff(s), and you are directed to file a written answer to the attached petition and order in the court at the above address within twenty (20) days after service of this summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated judgment will be rendered against you with costs of the action.

Issued this 16 day of May, 2014

County Court Clerk

By

Deputy Court Clerk

(Seal)

This summons and order was served on

9/15/14 by Angela Baylack  
(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER  
CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE  
CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE  
TIME LIMIT STATED IN THIS SUMMONS.

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7012 2920 0002 3933 1688

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 or PO Box No.  
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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<p>1. Article Addressed to:            Promius Pharma, LLC            C/O The Corporation Co.            1833 S. Morgan Rd.            Oklahoma City, OK 73128</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. 7012 2920 0002 3933 1688</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>



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**September 13, 2014 , 3:54 am**

Departed USPS Facility

**OKLAHOMA CITY, OK 73107****September 13, 2014 , 12:27 am**

Arrived at USPS Facility

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Departed USPS Facility

**TULSA, OK 74141****September 12, 2014 , 8:39 pm**

Arrived at USPS Facility

**TULSA, OK 74141**

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10/2/2014

OCIS Case Summary for CJ-2014-1925- ANELLO, STEPHANIE v. PROMIUS PHARMA LLC (Tulsa County District Court)



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**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA**

STEPHANIE ANELLO, Plaintiff, v. PROMIUS PHARMA LLC, Defendant.	No. CJ-2014-1925 (Civil relief more than \$10,000: DISCRIMINATION)  Filed: 05/16/2014  Judge: Barcus, Mark
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**Parties**

ANELLO, STEPHANIE , Plaintiff  
PROMIUS PHARMA LLC , Defendant

**Attorneys**

**Attorney**  
WARTA, DAVID A(Bar # 20361)  
701 S CINCINNATI AVE  
TULSA, OK 74119

**Represented Parties**  
ANELLO, STEPHANIE

**Events**

Event	Party	Docket	Reporter
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**Issues**

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

**Issue # 1.**

Issue: DISCRIMINATION (DISCRIM)  
Filed by: ANELLO, STEPHANIE  
Filed Date: 05/16/2014

**Party Name:****Disposition Information:****Defendant:** PROMIUS PHARMA LLC

Pending.

**Docket**

Date	Code	Count	Party	Serial #	Entry Date		
05-16-2014	TEXT	1		89767431	May 16 2014 3:26:46:060PM	-	\$ 0.00
CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.							
05-16-2014	DISCRIM	-		89767433	May 16 2014 3:26:46:150PM	Realized	\$ 0.00
DISCRIMINATION							

10/2/2014	OCIS Case Summary for CJ-2014-1925- ANELLO, STEPHANIE v. PROMIUS PHARMA LLC (Tulsa County District Court)					
05-16-2014	DMFE	-	89767434	May 16 2014 3:26:46:170PM	Realized	\$ 2.00
	DISPUTE MEDIATION FEE(\$ 2.00)					
05-16-2014	PFE1	-	89767435	Sep 30 2014 10:44:31.250AM	Realized	\$ 163.00
	PETITION(\$ 163.00)					
	 <u>Document Available (#1026994660)</u>					
05-16-2014	PFE7	-	89767436	May 16 2014 3:26:46:170PM	Realized	\$ 6.00
	LAW LIBRARY FEE(\$ 6.00)					
05-16-2014	OCISR	-	89767437	May 16 2014 3:26:46:170PM	Realized	\$ 25.00
	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)					
05-16-2014	CCADMIN02	-	89767438	May 16 2014 3:26:46:170PM	Realized	\$ 0.20
	COURT CLERK ADMINISTRATIVE FEE ON \$2 COLLECTIONS(\$ 0.20)					
05-16-2014	OCJC	-	89767439	May 16 2014 3:26:46:170PM	Realized	\$ 2.00
	OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND(\$ 2.00)					
05-16-2014	OCASA	-	89767440	May 16 2014 3:26:46:170PM	Realized	\$ 5.00
	OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES(\$ 5.00)					
05-16-2014	CCADMIN04	-	89767441	May 16 2014 3:26:46:170PM	Realized	\$ 0.50
	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 0.50)					
05-16-2014	LTF	-	89767442	May 16 2014 3:26:46:280PM	Realized	\$ 10.00
	LENGTHY TRIAL FUND(\$ 10.00)					
05-16-2014	SMF	-	89767443	May 16 2014 3:26:46:330PM	Realized	\$ 5.00
	SUMMONS FEE (CLERKS FEE)(\$ 5.00)					
05-16-2014	SMIMA	-	89767444	May 16 2014 3:26:46:370PM	Realized	\$ 0.00
	SUMMONS ISSUED - MAILED BY ATTORNEY					
05-16-2014	TEXT	-	89767432	May 16 2014 3:26:46:100PM	-	\$ 0.00
	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE BARCUS, MARK TO THIS CASE.					
05-16-2014	ACCOUNT	-	89767700	May 16 2014 3:31:10:890PM	-	\$ 0.00
	RECEIPT # 2014-2851909 ON 05/16/2014.					

PAYOR:SMOLEN SMOLEN TOTAL AMOUNT PAID: \$218.70.

LINE ITEMS:

CJ-2014-1925: \$168.00 ON AC01 CLERK FEES.

CJ-2014-1925: \$6.00 ON AC23 LAW LIBRARY FEE.

CJ-2014-1925: \$0.70 ON AC31 COURT CLERK REVOLVING FUND.

CJ-2014-1925: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES.

CJ-2014-1925: \$2.00 ON AC59 OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND.

CJ-2014-1925: \$2.00 ON AC64 DISPUTE MEDIATION FEES.

CJ-2014-1925: \$25.00 ON AC79 OCIS REVOLVING FUND.


CJ-2014-1925: \$10.00 ON AC81 LENGTHY TRIAL FUND.

10/2/2014

OCIS Case Summary for CJ-2014-1925- ANELLO, STEPHANIE v. PROMIUS PHARMA LLC (Tulsa County District Court)

09-17-2014 S - PROMIUS PHARMA LLC 91357728 Sep 18 2014 12:47:54:270PM - \$ 0.00

PARTY HAS BEEN SUCCESSFULLY SERVED. FOR PROMIUS PHARMAN LLC / BY CERT MAIL,  
SIGNED BY KORRI BEHLER, ON 9-15-14

 [Document Available \(#1027194156\)](#)

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